

Misc.

18 February, 1968

MEMORANDUM TO MR. SUGARNOW:

Here is some material for you.

BN

Attachment

TERRELL L. GLENN

UNITED STATES ATTORNEY
EASTERN DISTRICT OF SOUTH CAROLINA
COLUMBIA, SOUTH CAROLINA

February 13, 1963


Honorable Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Dear Burke:

One of my Assistants asked me how 6'4" -
220 pounds could be "unobtrusive", but I thought you
might be interested in this, the only news account of
the fact that I was in Clemson on the day that Harvey
Gantt was registered.

Please accept my high regards.

Sincerely yours,


TERRELL L. GLENN
UNITED STATES ATTORNEY

TLG:hjc

Enclosure

Dear Terrell:
Even when they can't
resist a dig at the AG,
you should be pleased
with your fellow citizens.
How do you remain
unbothered? Best regards

misc.

Law Office

WASHINGTON 25, D. C.

February 15, 1963

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
Washington 25, D. C.

Dear Burke:

Enclosed is a preliminary report of a consensus reached by a number of participants in a recent Civil Rights Conference at Notre Dame. I thought you might be interested in the recommendation of the Conference against any new legislation in the area of voting rights discrimination. The preliminary report states the reasons for that recommendation.

It was the hope of the Conference that the Administration will support meaningful Civil Rights legislation in the areas of employment and public school segregation rather than in voting where ample administrative and judicial authority now exists to achieve the suffrage.

Sincerely yours,

Enclosure

*Linda -
Give this to me when
Bill Fink comes in a
Wednesday, Jan. 23*

A Preliminary Report on Voting Rights from the Notre Dame Conference on Civil Rights, February 8-10, 1963.

The conference considered needs for new or improved Congressional legislation to strengthen education, employment, and voting rights and opportunities. A full report of the conference's conclusions with recommendations for new legislation in the fields of education and employment will be issued later. This preliminary report sets forth the consensus reached regarding the need for additional voting legislation, because the conferees understood that this was a matter of current legislative interest.

The conclusion of the conference was that discrimination against voting rights is an abuse which can be amply and sufficiently corrected by the authority and powers now possessed by the Executive Department and by the Federal courts. Further legislation at this time would be, therefore, unnecessary and the inevitable legislative struggle to enact it could well hinder the prompt and thorough enforcement of present law.

Participants in the conference were Carl A. Auerbach, University of Minnesota Law School; Wiley A. Branton, Voter Education Project; Thomas F. Broden, Jr., Notre Dame Law School; Leslie W. Dunbar, Southern Regional Council; John G. Feild, President's Committee on Equal Employment Opportunity; Harold C. Fleming, The Potomac Institute; G. W. Foster, Jr., Law School, University of Wisconsin; Eli Ginzberg, Conservation of Human Resources, Columbia University; Vivian W. Henderson, Economics, Fisk University; Paul H. Norgren, Industrial Relations Section, Princeton University; Dean Joseph O'Hearn, Notre Dame Law School; John de J. Pomberton, American Civil Liberties Union; Daniel H. Pollitt, University of North Carolina Law School; John Silard, Attorney, Washington, D. C.; Michael I. Sovern, Columbia University School of Law; William Taylor, U. S. Commission on Civil Rights; John E. Wheeler, Attorney, Durham, North Carolina.

Recent examples conclusively demonstrate that a number of southern communities do not yet intend to permit free Negro registration. The obstructions used are many. They include acts of private violence, such as church burnings in two counties of southwest Georgia, and several shocking cases of violence against persons or personal property, in the same area of Georgia and in Amite and Sunflower counties of Mississippi. There have been, as well, instances where officials have violently treated registration workers, as recognized in the Federal action brought, unsuccessfully, against a police official of Terrell County (Ga.). Retaliatory arrests have been common against registration workers, on charges as frivolous and essentially contemptuous as loitering, when in a moving automobile. In counties of the Mississippi Delta, water service and tax exemption of Negro churches used for registration meetings have been discontinued, and distribution of Federal surplus food commodities cut off. There is harassment and intimidation by private persons as well. Negroes asserting their constitutional rights have frequently been discharged from jobs or had their local credit suspended.

These tactics describe a system whereby, standing between the Negro and his constitutional right, there is massive intimidation calculated to induce acute personal insecurity. To the Negro of one of these counties, natural authority and power must, even now in 1963, seem far less real than that of his hostile community.

In most of such areas, and particularly in Alabama, Louisiana and Mississippi there is the added factor of literacy requirements administered unfairly and with deliberate intent to disqualify all or almost all Negroes applying. Cases under the laws of 1957 and 1960 have demonstrated that this problem can be reached by Federal courts. The abuse continues, however, and in Mississippi is aggravated

3

by a statutory requirement of publication of names of applicants for registration, thus advertising every Negro seeking to exercise the responsibilities of citizenship. Louisiana has revised its literacy tests to make them more resistant to Negro success. The suit filed some months ago by the Department of Justice against the State of Mississippi, but not yet brought to trial, may strike at the roots of the literacy test problem; it almost certainly, however, will be long in the courts.

Voting discrimination is a national disaster, and its demise a necessity for national self-respect. The problem must, therefore, be seen clearly and candidly. As of now, voting discrimination occurs, with but few exceptions, only against Negroes and only in some localities of the South. By their defiance of the constitutional order, these places are virtually outlaw communities. New and more refined legislative remedies are not required to reach this blatant defiance of constitutional and statutory rights. Systematic enforcement of present law can provide full relief.

The objective should be that, by the next Federal election, voting discrimination will be everywhere eradicated. Remembering that flagrant discrimination occurs in only a fraction of southern locales, achievement of the objective through the forthright use of executive and judicial authority is not unrealistic.

Throughout southern states today, an unprecedented and determined effort is being made by Negroes to broaden the electorate. In many parts of the South this is altogether a matter of self-help. But in the areas of discrimination, Negro efforts to register are met by determined resistance from both official and private sources, and Federal help is absolutely required.

Given the fact of this uniquely intensive Negro effort, there can be clearly foreseen a multiplication of incidents requiring Federal attention. The Federal executive should enforce strictly the Federal right to register and vote, as these rights are claimed and asserted by large numbers who never before have done so, in communities which never before have tolerated them.

The Federal executive has ample authority to secure voter registration from all manner of obstructions. Lawlessness may be contained and disarmed, if a clear Federal presence is provided at the first sign of obstruction or retaliation. To this end, Federal marshalls can forthwith be dispatched to the scene. Federal attorneys can move without delay to secure protective orders from the courts. To contain the spread of unlawful obstruction, the protective authority of Federal courts and law enforcement officials must be clear and present, so as to denote the certainty of the Federal commitment.

Nor can the Federal protection be limited to guarantee of physical security for persons and possessions. Where authorities employ economic threats or sanctions, or conspire with private parties to this purpose, the executive can move swiftly and surely. Where necessary, protective injunctions can reach the entire local officialdom. Economic retaliation can be redressed by Federal supports for the victims. And Federal privileges cannot be continued for Constitution violators. They must be reminded that the executive authority reaches far and it reaches deep, when fundamental rights are in jeopardy.

A principal means for achieving nationwide enfranchisement inheres in the authority of Federal courts. The Department of Justice has recently filed

numerous suits where registration officials continue to bar qualified Negro voters. In those cases the courts have ample power.

But a long road lies between the filing of a suit and the actual enfranchisement. In the brief months until the 1964 elections, numerous pending suits must be tried and resolved. Decrees must be entered and fair registration provided in time to allow thousands of previously disfranchised voters the right of the ballot. Present efforts will not achieve this goal. Also, there has to be candid recognition that some district judges have not been interested in the expeditious settlement of civil rights cases. The Department of Justice must more urgently seek to bring its cases to trial, even over the reluctance of busy or unenthusiastic Federal judges. Decrees can be sought which will provide more meaningful relief to all previously denied their constitutional rights. Where literacy tests have been instruments of abuse, their continued use can be enjoined. Registration powers can be taken from the hands of officials who have flouted the Federal Constitution. The government must seek not merely to unlock the doors of the voting booth for Negro citizens, but to open the doors as clearly as they were previously closed to Negro applicants.

Finally, the time has come for Federal recognition of power and obligation to assist by affirmative support the enfranchisement of Negro citizens. By encouraging the registration of populations previously barred from the ballot, the Government could to some extent redress past injustices. By posters in Federal buildings and on Federal mail trucks, the President can communicate the message of liberty. Thus can we replace the ingrained image of official discrimination, to announce that government has opened the polls for our minority citizens.

The means of defiance are varied and potent, but the combined power of Federal courts and executive is greater by far. In these circumstances, another effort at Congressional voting rights legislation appears misguided. No new law is now required, while two recent enactments and the reservoir of executive authority are yet to be wholly tested. Another legislative debate could only serve to obscure the magnitude of available authority to achieve the necessary objective.

DEPARTMENT OF JUSTICE

ROUTING SLIP

Miss

TO	
NAME	BUILDING AND ROOM
1. JOHN DOAR	
2.	
3.	
4.	
5.	

☐ SIGNATURE
☐ APPROVAL
☐ SEE ME
☐ RECOMMENDATION
☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
☐ PREPARE REPLY FOR THE SIGNATURE OF _____

☐ COMMENT
☐ NECESSARY ACTION
☐ NOTE AND RETURN
☐ CALL ME

☐ PER CONVERSATION
☐ AS REQUESTED
☐ NOTE AND FILE
☐ YOUR INFORMATION

REMARKS

File

FROM		
NAME	BUILDING, ROOM, EXT.	DATE

miss

20 February, 1963

MEMORANDUM TO JIM SYMINGTON

This is the group Mr. Marshall had me call about the breakfast tomorrow morning. They have all accepted. For your general information, I am including both full name, and the name by which they are known here in the Division --

Mr. Marshall
Mr. Doar
Mr. St. John Barrett (Slim)

Henry Putzel (Henry)
John L. Murphy (John)
Maceo Hubbard (Maceo)
Arthur B. Caldwell (A.B.)
Harold Greene (Harold)
Jerome K. Heilbron (Jerry)
D. Robert Owen (Bob)
Thelton Henderson (Thelton)
* Alan Marer (Alan -- his last name is pronounced "Mayer")
Frank Dunbaugh (Frank -- last name "Dunbaw")
William J. Holloran (Bill)
Richard B. Chess (Dick)

If you want any additional information, please call me.

*Is very honored, but has both a sick wife and sick small baby. Is going to try very hard to make it.

Linda

41 - 16TH AVENUE SOUTH
NAPLES, FLORIDA

15 February 1963.

Dear Burke:

Your attention is respectfully invited to the enclosed clipping from a recent edition of the Trenton Times.

Whereas I recognize the problems that have arisen with respect to equality for minority groups and sympathize with their proper solution, I cannot but regard actions such as described therein to be an imposition upon both the public officials, such as Nick and yourself, and the private individuals, such as the elderly Mrs. [redacted] who has been mistakenly involved, and Mrs. [redacted] who is remotely implicated at best. Cases of personal distress like the one described should not, in my opinion, require the attentions of our top public officials or be imposed upon our citizens in distant communities who have similar problems and local responsibilities.

For the benefit of all concerned, I sincerely trust that organizations like the N.A.A.C.P. and the White Citizens Council can be convinced of the impropriety of such actions.

With personal regards, I am,

Yours sincerely, [redacted]

Don George:

Thank you for the clipping.
I am aware of the incident. The
is the idea of the [redacted] Council
particularly in New Orleans - having [redacted] for
These things [redacted] get a fairly [redacted] situation -
without [redacted] with [redacted] without [redacted] in [redacted] for
[redacted] in [redacted] (over)

4 The NAACP is consistently used. While
influenced to try to prevent any degree from
being used in this fashion, and in general
very few have. But that is all the trouble can get
we usually not available. They cannot read or
write; they very rarely speak a language with
whom they need for their work.

I think it is very difficult to get I should
in the white South and it is a great pity to participate
in this kind of thing. I hope it is a representation of an
people and his status. But this is a very big thing.
I think it is a very big thing.

Reverse Freedom Ride

Negro Family On Way Here

A Negro couple and their eight children were placed on a Freedom-bound bus in Riverport, La., this morning by the White Citizens' Council of Louisiana.

The family of Alan Gilmore—the first "reverse Freedom Riders" to this city—were scheduled to arrive at the Perry Street bus terminal here at 4:30 a. m. on Sunday. The children range in age from eight months to 16 years.

Charles Barnett, president of the White Citizens' Council, said the Gilmore family would "pick up" Nicholas Katzenbach in Treason.

He apparently referred to Nicholas deBelleville Katzenbach, deputy U. S. Attorney General. Katzenbach was in charge of the marshalls on the University of Mississippi campus when James Meredith enrolled there last Fall.

Given Wrong Story Barnett told newsmen, erroneously, that Katzenbach's par-

ents reside at 323 West State Street, the Carleton Arms Apartment. Actually, Katzenbach's mother, Mrs. Edward L. Katzenbach, lives in Princeton, Ill. father, a former state attorney general, is dead. As part of Katzenbach, Mrs. Frank S. Katzenbach Jr., makes her home at the Carleton Arms.

"Katzenbach has shown himself to be a friend of the Negro and a great civil rights leader," said Ned Touchstone, chairman of the White Citizens' Council's Freedom Ride North Committee. He said he hoped Katzenbach would "take a personal interest in getting the Gilmore family settled."

The White Citizens Council sent wires to Katzenbach in Washington and Treason, reading: "Alan Gilmore family will arrive 4:30 a. m. Sunday in Treason by Continental Trailways bus because of your statements in New Orleans. We know you'll protect their civil rights and give them equal employment opportunities. Their bus-

gone is marked 'Barnett Mississippi' and is addressed to the Carleton Arms, 323 West State Street."

Edward Freeman, a reporter for the Shreveport Journal, said Touchstone gave Gilmore the West State Street address, which he had obtained from a Treason telephone directory.

Harold Sacks

Barnett, who is no relation to Mississippi's Governor. He is Barnett, said Gilmore was given \$75 pocket money, along with bus tickets and "a dozen cans of sardines to snack upon" during the journey. The bus tickets for the family cost \$193.

Gilmore said he would try to contact the Katzenbach family and assist their at the finding a job.

Gilmore has driven a cab and has worked as a yard man and in a bakery and a grocery store in Shreveport. He said he had no job preference in Treason.

"I can't find any work here," he was quoted as telling the White Citizens' Council. "I hope

I can find something there. I appreciate your sending me on this trip. Thank you very much."

All of the family's belongings were packed in a footlocker, two cardboard boxes and a laundry bag.

Others On List

Touchstone announced the council also will provide transportation for Louisiana Negro families seeking to migrate to Plainfield, N. J.; New Richmond, Wisc., and Santa Rosa, Calif.

Plainfield is the home of Burke Marshall, assistant attorney general in charge of the Justice Department's Civil Rights Division. John Doug, first assistant in the same division, resides in New Richmond, and St. John Barnett, second assistant, lives in Santa Rosa.

Wishes To Meet Them

The Rev. S. Howard Woodson Jr., of 328 Edgewood Avenue, a city councilman and

(Continued on Page Two)

Riders

(Continued from Page One)

State president of the NAACP, said he would meet the family when it arrived at the Ferry Street Terminal early Sunday morning.

Meanwhile, he said, a check would be made to determine the facts of the departure and plans, if any, for accommodations and possible employment after the travelers reach Trenton.

Mayor Holland, when informed of the family's impending arrival, said he would want to know more about the case before making any comment.

If a request for public assistance should be made, he pointed out, the city would be obliged under State law to grant it. He said it was the policy of the Local Assistance Board to contact immediately the city from which people came concerning the possibility of their return.

If they do not want to return, the Local Assistance Board tries to arrange for reciprocity so that the state from which the people came foots the bill. If reciprocity cannot be arranged, the city pays the bill and is reimbursed by the state for 80 percent, the Mayor said.

Mrs. Catherine Kehney of 221 Spring Street, president of the Trenton Chapter of the NAACP, said: "I hope they are not coming here; we have as many as we can take care of now."

She suggested the State organization might be informed of the arrivals so that it could take some steps to arrange for their care and future.

16 February, 1963

Honorable Terrell L. Glenn
United States Attorney
Columbia, South Carolina

Dear Terrell:

Even when they can't resist
a dig at the AG, you should be pleased
with your fellow citizens. How did
you remain unobtrusive?

Best regards;

Burke Marshall
Assistant Attorney General
Civil Rights Division

misc.

COLUMBIA BROADCASTING SYSTEM, INC.

485 Madison Avenue, New York 22, New York - PLaza 1-2345

FRANK STANTON

President

February 16, 1963

Dear Mr. Marshall:

I think you will be particularly interested in the forthcoming two-part CBS REPORTS series on the United States Supreme Court. The first will be broadcast on the CBS Television Network (Washington, Channel 9) on Wednesday, February 20, 7:30-8:30 PM; the second on Wednesday, March 13, 7:30-8:30 PM.

These hour-long broadcasts will review some of the conflicts and perils the Court has encountered during its long history, including early states' rights controversies and issues concerning Court power in recent cases.

With all good wishes.

Sincerely,



The Honorable
Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D. C.

French Quarter Maisonnette
1130 Chartres St. • New Orleans
Telephone 524-9908

February 16 - 63

Mrs. Linda K. Stores
Secretary to Mr. Burke Marshall
Room 1145
U. S. Department Of Justice
Washington, D. C.

Dear Mrs. Stores:

Many thanks for your very pleasant note.

Willie and I both would certainly like to know you, and hope that you can manage your way to New Orleans. I do become concerned about our limited accommodations vs. the heavy visitor load from the first of the year to May 1st. Any advance notice you can let us have will be appreciated.

Best wishes.

Sincerely,



MISSISSIPPI FREE PRESS1253 VALLEY STREET — FL 8-7348
JACKSON, MISSISSIPPI

February 16, 1963

Mr. Burke Marshall
Assistant Attorney General
Department of Justice
Washington, D.C.

Dear Mr. Marshall,

It was such a pleasure to meet with you. As I was in Washington for such a short period this trip I was not able to make much headway with the names that you gave to me to contact. I did reach Mr. [REDACTED] but we were not able to get together. Two others—I seemed to have failed to have gotten their addresses, but will try to be able to meet with them the next time I am in Washington. The two I lack addresses for are: [REDACTED] and [REDACTED]. I am sure that I can easily reach Mr. [REDACTED] through the "New Republic," but if the other address is handy could you send it to me?

Also if there are other people who might be interested in the expansion of the newspaper, I would be glad to try and meet them. If there is any way that we may be of some service to your department, please notify us. The work that you people in the Justice Department are doing is crucial to change in the South—particularly with regard to challenging the election laws.

Again thank you for your help.

Sincerely,
[REDACTED]

Encl.

*From Mr. Butler
Mrs. Miller
scholarship in
Washington is
G. O. Smith.*

misc

18 February, 1963

Mr. [REDACTED]
[REDACTED]
Naples, Florida

Dear [REDACTED]

Thank you for the clipping. I am aware of the incident. This is the idea that Citizens' Councils -- particularly in New Orleans -- have of good fun. They always get a family which is entirely destitute -- without training, without education, without hope -- a welfare problem in any city.

The NAACP has consistently used all its influence to try to prevent any Negroes from being used in this fashion, and in general very few have. But those that the Councils can get are usually not reachable. They cannot read or write; they really believe Nick or someone will welcome them and give them security.

I think the entire affair casts great discredit on the white Southerners (who are few) who participate in this kind of thing. I agree it is an imposition on Nick and his relatives. But there is no way to stop it.

With warm regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division

0 } miss.

18 February, 1963

MEMORANDUM TO THE ATTORNEY GENERAL

With respect to your note, Ralph
Dungan says [REDACTED] is out of the running.
The grounds specified are that there is
already another Georgian on the Board.

BN

Attachment

(11) 33 miss
19 February, 1963

Mr. [REDACTED]
Editor
Mississippi Free Press
[REDACTED]
Jackson, Mississippi

Dear Mr. [REDACTED]

Mrs. [REDACTED]'s address here in
Washington is Room 1299, National
Press Building, 1346 F Street,
Northwest, Washington, D. C.

Good luck.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

REPORT ON TRIPS DEC. 31, 1962—JAN. 5, 1963 AND JAN. 21—FEB. 5, 1963

CHICAGO, DETROIT, NEW YORK, WASHINGTON, D.C. AND ATLANTA

Pledges And Gifts

\$2500
1000
1000
1000
900
500
500
500
500
500
1000
\$9000

name withheld
misc.

Contributors (alphabetical)

Amalgamated Laundry Workers Union
Mrs. [REDACTED]
Community & Social Agencies Union Local 1017
Mr. [REDACTED]
Mr. [REDACTED] & Mr. [REDACTED]
Mr. [REDACTED]
Mr. Nick Gregory
Hopkins Fund Santa Barbara, Calif.
Mrs. [REDACTED]
National Maritime Union
Mr. [REDACTED]
Mr. Sidney Poitier
Mr. [REDACTED]
United Furniture Workers Union
United Packinghouse Workers Union

Financially Committed with No Specified Amounts (alphabetical)

Actors Equity Association
Amalgamated Clothing Workers Union
Amalgamated Meatcutters and Butcher Workmen
Industrial Union Department, AFL-CIO
International Ladies Garment Workers Union
United Auto Workers Union
And many individuals

Organizations which have Assisted in Making Contacts (alphabetical)

American Civil Liberties Union
Anti-Defamation League of B'nai B'rith—Henry Schwarzschild
Chicago Urban League—Bill Barry, Al Prejean
Civil Rights Committee of New York Central Labor Council
Mass Media Committee
National Committee For an Effective Congress—George Agree
National Labor Service—Harry Fleishman
National Sharecroppers Fund—Fay Bennett
New York Civil Liberties Union—George Rundquist, Victor Gettner
New York Urban League—M. T. Purser
Southern Regional Council
Union Democracy in Action

February 11, 1963

February 19, 1963

M E M O R A N D U M

TO: LEGAL STAFF

SUBJECT: Division Finances

FROM: BURKE MARSHALL

This Division is in serious financial condition. It is possible that lack of funds may hamper our operations before the end of the fiscal year. I am calling upon each of you to exercise his best judgment to save as much of the Division's money as is possible without interfering with the efficient performance of your assignments and with the Division's mission.

In the following areas savings can be made. I will also appreciate any efforts or suggestions on achieving economy in other aspects of our operation:

1. Air Travel. Standing Government orders require the use of less than first class air travel. All air travel will be by tourist or economy accommodation. More expensive air travel will be authorized only in exceptional circumstances.

2. Telephones. You are reminded that long distance calls shall be made only when necessary and must be held to a minimum in number and in length. When possible, please use the cheaper GSA network service rather than regular toll-call service. Every effort should be made to limit such calls to 3 minutes. Please also keep in mind that calls after 6 p.m. are cheaper.

3. Paid Overtime. I recognize that because of our limited clerical staff some degree of overtime work is necessary. Before requesting authority for paid overtime, please be sure that the overtime is immediately necessary and essential and that the work involved cannot be done during regular hours.

4. Printing and Reproduction. Substantial savings can be made in this area by ordering printing and reproduction only of such material and in such number of copies as your professional judgment indicates is necessary. In hiring outside reporters and clerical help out in the field, savings can be made if you make your agreement as to fees per copy, per page, per hour, etc., before the work is done.

12-

ASSISTANT SECRETARY OF STATE
WASHINGTON

February 19, 1963

Dear Burke:

This is to confirm my invitation to lunch with [REDACTED] Thursday, the 21st, to talk human rights in the context of UN discussions. A principal object of this luncheon is to acquaint [REDACTED] with problems posed by the proposed UN Declaration on the Elimination on all Forms of Racial Discrimination.

You are very good to take the time and I know you will give the subject a kind of shot in the arm we think it needs. [REDACTED] and myself are all very interested in trying to make more use of human rights in the UN, particularly perhaps in the context of economic development. After all, it is human rights much more than economics that separates us from the Russians.

Enclosed is a copy of the draft Declaration approved in the recent session of the Subcommittee on Discrimination and Minorities and also of Mr. [REDACTED] own proposal, which we greatly prefer.

With warm regards,

Sincerely,

Rich

Richard N. Gardner
Deputy Assistant Secretary
for International Organization Affairs

Enclosures (2)

The Honorable
Burke Marshall,
Assistant Attorney General.

Burke Marshall
Assistant Attorney General
Civil Rights Division

Feb. 18, 1963

HP:ew 5748

Henry Putzel, Jr., Chief
Voting & Elections Section

File: 72-33-54

United States v. Horace Herachel
Lyons, et al; Criminal No. 155,855 -
W.D. La.

Almost two years ago, an indictment was returned in the above case against three individuals for the anonymous publication of unlabelled derogatory literature against Congressman Thompson of Louisiana. The facts are summarized in my memorandum to Mr. Doar of March 6, 1961, in the attached file.

After substantial delays, the case was finally set for trial, only to be continued. I have the impression that Congressman Thompson, who pressed with unusual vigor ^{1/} for investigative and prosecutive action by this Department, seems to have favored our dropping the matter after the indictment was returned.

I have been unable to determine where the matter now stands. Although we wrote to United States Attorney Shaheen asking for a status report almost a month ago, we have received no reply. Late last fall, after a previously long period during which we heard nothing, I finally spoke with Mr. Shaheen. As I advised you at that time, he said that the Deputy had been in touch with him about the case on various occasions. Mr. Shaheen hoped that some disposition could be made, perhaps in a few months.

I am wondering if you would check with the Deputy and advise me if he knows anything further about the matter and whether you desire us to do anything further at this end.

1/ At one point the FBI advised former Assistant Attorney General Tyler:

"Congressman Thompson * * * expressed dissatisfaction that no prosecutive action had been instituted and said he would contact the Department of Justice to express this dissatisfaction, and he would 'press' for further investigative and prosecutive action."

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK
42 WEST 42ND STREET
NEW YORK 36

COMMITTEE ON FEDERAL LEGISLATION

EDWIN L. GASPERINI, CHAIRMAN
505 PARK AVENUE, NEW YORK 22
PLAZA 5-8888

RICHARD A. GAVINS, SECRETARY
UNITED STATES COURT HOUSE
FOLEY SQUARE, NEW YORK 7
CORTLANDT 7-9788

HOWARD A. ABEL
SIDNEY H. ABEN
GEORGE H. ABEY
JOSEPH CALDERON
DONALD A. COHEN
LOUIS A. CRANE
BENJAMIN F. CRANE
NANETTE DEBARTIS
WILLIAM G. FENNELL
BARRY H. GARDNER
ELLIOT H. GOODWIN
BEDGWICK W. GREEN
H. MELVILLE HICKS, JR.
ROBERT H. KAUFMAN
LAWRENCE W. KEEFNER
ROBERT A. KORN
GEORGE KOWAL
PETER S. SCHWARTZ
TELFORD TAYLOR
EVERETT L. WILLIS

Hon. Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D. C.

Dear Mr. Marshal:

Your presentation last evening before the meeting of our Committee and the Committee on the Bill of Rights impressed me very much. I admire greatly the zeal with which you and your associates have worked on the Negro voting cases, especially under the handicap of lack of personnel. I am hopeful that our Committee may be able to lend support to the Bill which you so ably discussed.

It is a matter of regret to me that because I had to leave to make a train before the meeting was over I did not have an opportunity to meet you personally. It was most gracious of you to have taken time out from your heavy schedule to devote an evening to meet with our Committees, and I personally wish to express my appreciation for a most informative discussion.

Sincerely,

William G. Fennell
William G. Fennell

WGF:ha

cc: Edwin L. Gasperini, Esq.

*Mr. W. G. Fennell:
Thank you for your
note. It is always good
for me to hear from
you. I am very glad
to hear from you.*

February 21, 1963

22 February

MEMORANDUM TO MR. KATZENBACH

Nick:

The attached memorandum from Henry Putzel is self-explanatory. This is the case that Congressman Thompson, having started, wants to turn off. Is there anything that you know about it that I don't know? Is Shaheen acting under your instructions?

Please return Henry's memorandum to me so that I can put it back in the file.

RM

Attachment

**SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES, FIFTEENTH (1963) SESSION**

**Proposal by Mr. Abram for the Draft Declaration on the Elimination of
all Forms of Racial Discrimination ***

(E/CN.4/Sub.2/L.257)

The General Assembly,

Desiring to give effect to the principle of the equality of all men and all peoples without distinction as to race, colour, or religion, as stated in the Charter of the United Nations,

Disturbed by the manifestations of racial discrimination still in evidence throughout the world, some of which are imposed by Governments in the form of apartheid, segregation and separation; and likewise by the promotion and dissemination of doctrines of racial superiority and expansionism in certain areas,

Recognizing the Universal Declaration of Human Rights as the great affirmation of the equal dignity and rights of all persons without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status,

Recalling the many resolutions adopted by the General Assembly urging the elimination of all forms of racial discrimination, and particularly resolution 1779 (XVII) which calls on the Governments of all States to take all necessary steps to rescind discriminatory laws which have the effect of creating and perpetuating racial prejudice wherever they still exist, to adopt legislation if necessary for prohibiting such discrimination, and to take such legislative and other appropriate measures to combat such prejudice;

Declares the following principles as a guide for legislation and practice in each State:

1. No State shall make any distinction in the treatment of persons on the ground of race or ethnic origin, nor shall it make any distinction in the right to citizenship on such grounds;
2. Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race or ethnic origin, and no such distinction shall be enforced, encouraged, perpetuated or permitted by any agency of any State:

* Portions of this text were accepted or adapted for use in the draft declaration approved by the Sub-commission.

3. Everyone, without distinction as to race or ethnic origin, shall have the right to take part in the government of his country and to participate in elections through universal and equal suffrage. Appointment to the public service shall be open to all citizens on the basis of merit;

4. Everyone has the right to an effective remedy, through independent and impartial tribunals, for any discrimination he may suffer on the ground of race or ethnic origin with respect to his fundamental rights and freedoms.

As adopted January 29, 1963

**DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF
RACIAL DISCRIMINATION**

**The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,**

Noting that in accordance with resolution 1780 (XVII), adopted by the General Assembly at its 1167th plenary meeting on 7 December 1962, the Economic and Social Council has asked the Commission on Human Rights, bearing in mind inter alia the views of the Sub-Commission, to prepare a draft declaration on the elimination of all forms of racial discrimination to be submitted to the Assembly for consideration at its eighteenth session;

Submits to the Commission on Human Rights the draft declaration on the elimination of all forms of racial discrimination annexed to this resolution, which it adopted unanimously, together with the summary records of the debate in the Sub-Commission (E/CN.4/Sub.2/SR.398-).

ANNEX

DRAFT DECLARATION ON THE ELIMINATION OF ALL
FORMS OF RACIAL DISCRIMINATION

Preamble

Considering that the Charter of the United Nations is based on the principle of the equality of all human beings and seeks, among other basic objectives, to achieve international co-operation by encouraging respect for human rights and fundamental freedoms for all without distinction of any kind,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all those rights and freedoms, without distinction of any kind, such as race, colour or ethnic origin,

Considering that as these rights involve also the elimination of all forms of racial discrimination, they can only be effectively guaranteed in a world in which the principles enshrined in the Declaration on the granting of independence to colonial countries and peoples, contained in General Assembly resolution 1514 (IV) of 14 December 1960, shall have full application,

Considering that the Universal Declaration further recognizes that all human beings are entitled to equal protection against any discrimination of that kind and against any incitement to such discrimination,

Considering that, although international action and efforts made in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin none the less continues to give cause for serious concern in certain areas of the world,

Considering that the policy of certain Governments is overtly designed, by means of legislative, administrative or other measures, to establish, maintain or perpetuate racial discrimination, inter alia in the form of apartheid, segregation and separation,

Disturbed, moreover, by the fact that doctrines of racial superiority are tolerated, and even encouraged in certain areas, and that the seeds of discrimination may thus be spread still further,

Considering that acts prompted by feelings of racial superiority or hatred have led in the past and may still lead to expansionism and the subjugation of peoples and, as a result, to breaches of the peace or to acts of aggression prejudicial to the maintenance of international peace

and security,

Considering that the studies carried out by the Sub-Commission on Prevention of Discrimination and Protection of Minorities have shown that racial discrimination in the fields of political rights, education, religion, employment and occupation is practised in many countries and that its elimination would contribute decisively towards speeding the disappearance of other forms of discrimination,

Considering that it is the duty of the United Nations, of States, and of all the organs of society to take immediate steps to put an end to racial discrimination in all its forms and all its manifestations and to prevent its reappearance, thus creating the conditions necessary for the full realization of the principles and purposes of the United Nations Charter,

The General Assembly proclaims this Declaration:

I

1. Any theory of differentiation between races or racial superiority is scientifically false, morally reprehensible, socially unjust and dangerous. Nothing can justify racial discrimination, in theory or in practice.

2. Racial discrimination, in whatever form and irrespective of the individuals or groups against whom it is directed, is an offence against human dignity, a flagrant violation of the Charter of the United Nations and a denial of the fundamental human rights proclaimed by the Universal Declaration. Racial discrimination is injurious not only to those who are the objects of discrimination but also to those who practise discrimination.

3. Racial discrimination is a negation of the social nature of man, who can develop his personality to the full only throughout interaction with his fellows. The denial at any point of this social bond between man and man is detrimental to the harmonious development of every national community and brings with it disintegration.

4. Racial discrimination tends to jeopardize international peace and security, friendly relations among peoples and co-operation between nations.

5. All propaganda based on the idea of the superiority of one race or group of persons of one colour or ethnic origin, and all incitement to hatred against any race or group of persons of another colour or ethnic origin, is condemned.

6. All political, economic, social or cultural measures which discriminate or encourage discrimination against individuals or groups of a different race, colour or ethnic origin, and the existence and activities of organizations which provoke or encourage such discrimination, are likewise condemned.

7. No distinction, segregation or discrimination in the matter of human rights, based on considerations of race, colour or ethnic origin, shall be enforced, permitted, encouraged or perpetuated.

8. Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, in the fields of political rights, education, religion, employment, occupation, housing and access to places and facilities intended for use by the general public.

9. Measures shall be speedily taken to abolish, where they exist, laws and regulations based on considerations of race, colour or ethnic origin, and to revise governmental policies and change social practices which violate the right of all to enjoy human rights and fundamental freedoms in full equality and which have the effect, in particular, of permitting the perpetuation or development of racial discrimination.

10. Immediate steps shall be taken, in particular, in the fields of education and information, with a view to promoting understanding, tolerance and friendship among nations and racial groups, as well as propagating the purposes and principles of the United Nations and of the Universal Declaration.

11. Special measures for the protection of individuals belonging to certain racial groups may be taken with the object of ensuring the full and effective enjoyment by such individuals of human rights and fundamental freedoms; nevertheless, such measures shall not be maintained after the achievement of that objective, and shall in no circumstances have as a consequence the separation of different racial groups.

12. Everyone has the right to an effective remedy, through independent and impartial tribunals, against any discrimination he may suffer on the ground of race, colour, or ethnic origin with respect to his fundamental rights and freedoms.

13. All States shall immediately take all legislative, administrative and any other appropriate measures to give effect to this Declaration.

14. The United Nations has a duty to discover and disclose the forms taken by racial discrimination, the manifestations in which it finds expression and the factors which constitute its origin, with a view to recommending appropriate and effective measures to combat and eliminate it.

15. The United Nations, the specialized agencies, States and non-governmental organizations shall do all in their power to promote an energetic campaign which, combining legal measures and steps of a practical nature, will make possible the abolition of all forms of discrimination, and in particular of all discrimination based on race, colour and ethnic origin.

misc.

20 February, 1963

MEMORANDUM TO JOE DOLAN

With respect to the Sixth Circuit,
I received a call from [REDACTED] an
excellent lawyer and member of one of the
leading firms in Memphis, who reported
to me that the appointment of [REDACTED]
would be well received by the Bar.
[REDACTED] said that [REDACTED] was a first-
class lawyer of exceptional qualifica-
tions. [REDACTED] is a former partner
of [REDACTED], who is now on the FCC.

EM

misc.

United States Department of Justice

UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF TEXAS

Houston, Texas
February 20, 1963

IN REPLYING PLEASE REFER
TO THIS FILE NUMBER

Honorable Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Dear Mr. Marshall:

It was a pleasure to meet you on the occasion of your trip to Houston last week. You know, I am sure, of our willingness to be helpful as well as diligent on any matter which you refer to us.

Sincerely,


WILLIAM A. JACKSON
First Ass't. United States Attorney

WAJ:cp

City of Detroit

DEPARTMENT OF POLICE
DETROIT 31, MICHIGAN

GEORGE EDWARDS
Commissioner

JEROME P. CAVANAGH
Mayor

February 22, 1963

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Dear Mr. Marshall:

Thanks for letting me know that your trip to Detroit has been cancelled. I trust we will have an opportunity to visit on some future occasion.

Sincerely yours,



Commissioner

GE:ad

miss.

25 February, 1963

Mr. [REDACTED]

Charleston 18, South Carolina

Dear Mr. [REDACTED]

Thank you for your letter on Mr. Wallace, and the enclosures. Your views are greatly appreciated. I am also very grateful for the other information you have given me.

I am sure we will have many other opportunities to talk.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

miss.

25 February, 1963

William G. Fennell, Esquire
The Association of the Bar of
the City of New York
Committee on Federal Legislation
42 West 44th Street
New York 36, New York

Dear Mr. Fennell:

Thank you for your nice note..

It is always good for morale to have a
kind word.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

miss.

February 25, 1963

Mr. [REDACTED]
The University of Wisconsin
Law School
Madison 6, Wisconsin

Dear [REDACTED]

Thank you for yours of February 22. I am glad to know that you did not develop pneumonia.

Our meeting was most useful to me. I should know soon what direction we will be taking this session. Obviously it depends in part on a lot of factors having nothing directly to do with Negro rights--such as the state of the economy and of the world.

I am looking forward to your memorandum.

Best regards,

bcc: Harold Fleming
Potomac Institute, Inc.

THE UNIVERSITY OF WISCONSIN
LAW SCHOOL
MADISON 6, WISCONSIN

February 22, 1963

Mr. Burke Marshall
Asst. Attorney General, Civil Rights
Department of Justice
Washington 25, D. C.

Dear Burke:

Thanks for the good session Wednesday morning. I hope the letter which I sent Senator Douglas that afternoon will patch up the more serious concerns which you had about our preliminary report.

On the way back to Madison I read your brief in the Goss case, and I had no quarrel with it. A minor point which you might wish to bear in mind in oral argument concerns the paragraph on page 40 describing the operation of the desegregation program at Dallas. I agree with your reading of what the Court of Appeals directed Dallas to do. The short answer, however, is that the Dallas board itself disregarded the Court's instruction. What has been done instead is to assign all pupils initially by race and require them affirmatively to seek a transfer if they wish to attend school in the zone of residence. Why the Negroes have not taken the Dallas board back to court on this is beyond my understanding. It is clear, however, that the board is entirely out of step with the thrust of the court order.

In another ten days or so, I will try to have in your hands the memorandum spelling out some ideas which, hopefully, will be useful with respect to handling some of the voting cases. I would like at that time to return to Washington and discuss the memorandum at some length with you and John Door before it is incorporated in the final report of our Notre Dame conference.

Thanks again for the good session. It will be pleasant to see you again before long.

Faithfully,

Dec 11 Hards
Flaming.

Dear Sir:
Thank you for
your of February 22.
I am glad to know
that you did not
develop prejudices.
Our meeting was
most useful to me. I
should know some what
direction we will be
taking this session. Obviously
I depend
in part on a
lot of factors
nothing directly
to do with
Negro rights
and as the
State of the
Union
and of the
world.
I am
looking
forward to
your
memorandum.

Get up 8

Miss

25 February, 1963

[REDACTED]
Memphis 11, Tennessee

Dear Mrs. **[REDACTED]**

Thank you for the note of February 22. The matter of the Sixth Circuit vacancy is still under consideration. We are grateful for your views.

Best regards,

Burke Marshall
Assistant Attorney General
Civil Rights Division

25 February, 1963

[REDACTED] Esquire
[REDACTED]

Attorneys at Law
[REDACTED]

New York 5, New York

Dear [REDACTED]

Thank you for sending me the pamphlet. I had seen it, and your friend's copy is returned herewith. It is a great document.

Best regards,

Burke Marshall

Enclosure

NEW YORK N. Y.

February 20, 1963

Honorable Burke Marshall
Assistant Attorney General
United States Department of Justice
Washington 25, D.C.

Dear Mr. Marshall:

A friend recently lent me the enclosed, which I thought you might not have seen and would enjoy reading. It is, I think, the most encouraging reportorial job to come out of Mississippi in a long time. Regrettably, I am committed to returning it.

With the additional perspective of a month in private life, I do want to tell you again how very much I enjoyed my time in the Division. It was an inestimable personal and professional experience. I am particularly grateful for the opportunity to have worked in the Government, and look forward to the chance to go back.

Please send warm regards to everyone at the office. Every good wish to you and Mrs. Marshall.

Sincerely,

Dear Tony:

I thank you
for sending me the
pamphlet. I had seen
it, as I your friend's
copy is returned to you with
it is a great document.
Best regards,
[Signature]

Miss

26 February, 1963

Mr. Leslie W. Dunbar
Executive Director
Southern Regional Council
5 Forsyth Street, N. W.
Atlanta 3, Georgia

Dear Leslie:

It was most responsible and kind of you to take the time to write me at such length and in such detail on the consensus of opinion reached at Notre Dame regarding school legislation.

I have the following comments to make. They are personal rather than official and not intended to be public, although I have no objection to your use of them in a non-public fashion, at your discretion.

1. It is not possible to get school desegregation legislation through Congress this year. Next year may be a different question; I do not know. This year we are going to have an unhappy time in Alabama, and it is obvious that the situation is still unsatisfactory in Mississippi. I have to accept as a starting point that under these circumstances Congress simply will not pass a school desegregation bill.

Accordingly, my first comment is that if the Administration were to push for legislation of this sort, it would be purely for political reasons, in the broadest sense. These reasons would include partisan reasons, but would also include what I suppose you might call an exercise of the moral force of the White House.

5

Mr. Leslie W. Dunbar
26 February 1963
Page Two

2. Nevertheless, I think there is some chance, although it may be remote, of getting some legislation on schools. The kind of legislation, which would both be useful and put Congress into the area of school desegregation, would be to authorize technical and financial assistance from the Office of Education to school districts undergoing desegregation. The particular services which I think many school districts, whether operating under a court order or not, need from the federal government are (a) help with remedial instruction to make at least an effort to eliminate the effects of existing discrimination in separate schools; (b) counselling service and training for teachers; and (c) information on the plans followed and experience of other school districts. The latter is legal to some extent, and could be obtained from the Civil Rights Commission, but the first two are purely educational. This type of service (and perhaps others) could be provided either directly, or through financial assistance.

I want to emphasize that I do not believe that an assistance bill would be a small accomplishment. It would fill the imperative need you speak of for bringing Congress into explicit support of racial equality.

3. Since I start from the assumption that Congress will not pass any school legislation other than, possibly, a technical and financial assistance bill, I have not yet reached any conclusion myself as to what type of bill would be desirable.

I have some doubts about any absolute deadline, such as is in the Clark type of bill. I take it the Conference also had doubts. On the other hand, I am not sure what the effect would be of a bill such as the Conference suggests which would state that every school district has to start desegregation immediately. Obviously they would not. We have a great problem in maintaining respect for the law. This law would not be obeyed. And while it is emphasized that the Attorney General would be only authorized, not directed, to bring suits, how would he explain a decision not to enforce the law in a particular county?

Mr. Leslie W. Dunbar
26 February 1963
Page Three

On the other hand, I am afraid that problems of law enforcement in some places, before the free exercise of the franchise, are almost insurmountable at present under the federal system. It would perhaps be constitutionally permissible to destroy the federal system for all practical purposes in some states until school segregation has been ended. Obviously however, this is no minor matter, and I do not believe that the group at Notre Dame faced up to it. Closed schools on a large scale are also a serious possibility which should be thought about seriously and responsibly before embarking the nation on this course.

On this point I do not mean to suggest that the problem is impossible to deal with. But it certainly will be easier when the Negro has achieved sufficient political power, which I have no doubt will be achieved in the relatively near future, to be able to force state and local officials to be responsive to Negro rights.

With my best regards,

Burke Marshall